

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JOE RICHARD “TREY” POOL, III,
TRENTON DONN “TRENT” POOL,
and ACCELEVATE2020, LLC,

Plaintiffs

V.

CITY OF HOUSTON, and, ANNA
RUSSELL, in her official capacity as the
City Secretary of the City of Houston,

Defendants.

[illegible]

Civil Case No. 4:19-cv-02236

**VERIFICATION OF AUSTIN WHATLEY REGARDING ATTORNEYS FEES AND
BILLABLE EXPENSES**

I, Austin Whatley, declare as follows:

1. I have served as counsel of record for Plaintiffs in the above-numbered cause, a lawsuit filed under 42 U.S.C. §1983, alleging federal constitutional violations of Plaintiff's free speech and associational rights, since its inception.
2. I was employed as an associate attorney at Najvar Law Firm, PLLC ("NLF"), based in Houston, Texas, from November 2018 through March 2022. Since March 2022, I have been employed at as an associate attorney at Haque Law Firm PLLC.
3. I graduated from SMU School of Law, *cum laude*, in May 2018 and was licensed in Texas in November 2018. I joined NLF as an associate in November 2018.
4. I received my B.A. from Texas A&M University in 2012.
5. I am admitted to practice in the following federal courts:

- a. The Southern District of Texas;
- b. The Western District of Texas; and
- c. United States Courts of Appeals for the Fifth, Ninth, Tenth, and District of Columbia Circuits.

6. During my more than three years at NLF, my practice focused on state and federal political law, especially constitutional litigation.

7. Since becoming licensed in 2018, I have served as counsel of record, as an associate of Najvar Law Firm PLLC, or otherwise performed substantive work, on the following cases, many of which involved work both in the trial court and on appeal, as indicated:

- *Big Time Vapes, Inc. v. U.S. Food and Drug Admin.*, 427 F. Supp. 3d 831 (S.D. Miss. 2019), *aff'd*, 936 F.3d 436 (5th Cir. 2020) – representation of trade association’s constitutional challenge to FDA regulations.
- *Fanning v. City of Shavano Park, Texas*, 429 F. Supp.3d 320 (W.D. Tex. 2019), *vacated*, 853 Fed. Appx. 951 (5th Cir. 2021) (mem.) – a First Amendment and state law challenge to the City of Shavano Park’s sign code. I appeared and argued our dispositive motions in *Fanning* (and in a related case also challenging the sign code). We appealed dismissal of the claims and secured a vacatur of the judgment. The case is currently proceeding on remand.
- *Flores v. Whitley*, 7:18-cv-00113 (S.D. Tex., McAllen Div.) – a due process challenge to certain Texas statutes regarding the process for denying mail-in ballots for purported mismatching signatures.
- *Garza v. Escobar*, 386 F.Supp.3d 794 (S.D. Tex. 2019), *aff'd*, 972 F.3d 721 (5th Cir. 2020) – a First Amendment employment retaliation claim on behalf of one plaintiff against the District Attorney for the 229th Judicial District and Starr County
- *Zimmerman v. City of Austin, Texas*, 881 F.3d 378 (5th Cir. 2018), cert. denied sub nom. *Zimmerman v. City of Austin, Tex.*, 139 S. Ct. 639, 202 L. Ed. 2d 492 (2018) – challenge to the City of Austin campaign-finance restrictions. NLF had already secured a declaratory judgment against two Austin charter provisions after a two-day bench trial before I was hired. I assisted as co-counsel with substantive briefing in various appellate stages thereafter.
- *Trevino, et al. v. Hidalgo County, et al.*, 15-cv-435 (S.D. Tex., McAllen Div.) – a First Amendment employment retaliation claim on behalf of eight plaintiffs against Hidalgo County and additional defendants.

- *Maverick County v. Felan*, 551 S.W.3d 229 (Tex. App.—San Antonio 2018, pet. filed) – representation of a county taxpayer seeking a writ of mandamus ordering the county to hold a tax rollback election.
- *Noteware v. Turner*, 01-18-00663-CV, 2019 WL 2180635 (Tex. App.—Houston [1st Dist.] May 21, 2019, pet. denied) – an election contest challenging the City of Houston’s November 2017 election on a billion-dollar pension obligation bond measure.
- *Villarreal v. Texas S. Univ.*, 570 S.W.3d 916 (Tex. App.—Houston [1st Dist.] 2018, pet. filed), reversed, 620 S.W.3d 899 (Tex. 2021) – representation of a dismissed law student in a due process challenge to the dismissal. I assisted with research and briefing after review was granted by the Texas Supreme Court, and then with preparation for Najvar’s appearance at oral argument in December 2020.
- *New York State Rifle & Pistol Ass’n, Inc. v. Bruen*, 142 S. Ct. 2111 (2022) – NLF represented five gun rights groups in an amicus brief filed in 2021. I assisted with research for the brief.
- In October 2021, NLF filed seventeen separate petitions for review of marketing denial orders issued by the Food and Drug Administration on behalf of seventeen individual clients, across five circuit courts of appeals (the Fifth, Ninth, Tenth, Eleventh, and DC Circuits). These cases were consolidated within each circuit under the following lead cases: *SWT Global Supply v. FDA*, No. 21-60762 (5th Cir.); *Nude Nicotine, Inc. v. FDA*, No. 21-71321 (9th Cir.); *Cloud 9 Vapor Products, LLC v. FDA*, No. 21-9578 (10th Cir.); *Diamond Vapor LLC v. FDA*, No. 21-13387 (11th Cir.); *Prohibition Juice Co. v. FDA*, No. 21-1201 (D.C. Cir.). I drafted the petitions for review of these agency orders, and most of the briefs filed in these appeals, with Najvar’s review and revision. I also drafted requests for stays pending appeal in the Fifth and Eleventh Circuit cases, which were granted.

8. I am familiar with the rates charged by litigation attorneys in Texas and in the federal Southern District, Houston Division. The hourly rates of \$250 for my legal services is reasonable and well within the typical range of hourly rates charged by litigation attorneys of equivalent experience and competence in the Southern District of Texas, Houston Division.

9. I have kept detailed contemporaneous records reflecting the billable time incurred in representing plaintiffs in this matter, and I am personally familiar with the legal services provided in this case because I have performed the services or participated with co-counsel in performing such services. True and correct copies of these records, current through the end of my participation in the case (February 2022), are attached as Exhibit C. These statements were prepared in

accordance with the normal billing practices at NLF and reflect the exercise of billing judgment, in that only billable time and expenses are reflected on these statements. Normal billing practices of Najvar Law Firm include recording of detailed, contemporaneous timesheets to document billable tasks performed for clients. All of the hours recorded on my time sheets were actually expended as reflected, and these hours and the rate claims are reasonable.

10. I personally spent 100.40 hours on this case from June 2019 through the filing of the TRO fee petition in November 2019, and another 18.1 through the reply in support of the TRO fee motion. I excised 31.60 hours from this time in the exercise of billing judgment. This yields a total of 86.9 requested hours through Dec. 9, 2019. These records were filed with the TRO fee request in November and December 2019 in the district court, and are attached here again.

11. From March 2020 through February 2022, I recorded an additional 165.3 hours; after Najvar excised 20.7 hours in specific time entries in billing judgment (excising certain excessive, duplicative, or noncompensable time), this yields a request of 144.6 hours for this period.

12. Thus, the total requested, from June 2019 through February 2022, for my time is **231 hours**.

13. The hours I spent in this case have been necessary and reasonable for the prosecution of this action. I have carefully reviewed my own time entries, to make this affirmation.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing statements are true and correct, and if called upon to testify I would testify competently as to matters stated herein.

Executed on August 8, 2022, in Pasco County, Florida.

/s/ Austin Whatley
Austin M. B. Whatley

Date	Matter	Description	Hours
6/19/19	Pool v. Houston	Research—Examples of circulator standing. Following Buckley and Meyer, went through citations to them and made a research document detailing what cases where and were not useful.	2.7
6/19/19	Pool v. Houston	Drafting Certificate of summons to city and russell	1.1
6/19/19	Pool v. Houston	Continued circulator standing research and drafting up a research document that attempts to survey all the useful cases (good and bad) quickly detailing key points, the law in question and the holding.	2.2
6/19/19	Pool v. Houston	Cover letter	0.3
6/19/19	Pool v. Houston	Standing research promise not to enforce	0.4
6/24/19	Pool v. Houston	Cover letter	0.3
6/24/19	Pool v. Houston	Research—Consent decree examples. To model any offer off of.	0.8
6/24/19	Pool v. Houston	Research attorneys' fees document update	2.3
6/24/19	Pool v. Houston	Drafting summons and related research	1.4
6/25/19	Pool v. Houston	Research—Finding examples of consent decrees, particularly looking for decrees in the § 1988 context	1.7
6/25/19	Pool v. Houston	Driving to and from federal court to have issuance of service signed and sealed.	1.2
6/25/19	Pool v. Houston	Research—Standing in the context of a government defendant promising not to enforce a statute.	0.7
6/25/19	Pool v. Houston	Con't research—	1.2
6/25/19	Pool v. Houston	Research—line of cases concerning voluntary cessation	2.6
6/25/19	Pool v. Houston	Call with opposing counsel	0.1
6/25/19	Pool v. Houston	Coordination meeting and research share with Jerad, including 10 minutes of preparation	0.6
6/25/19	Pool v. Houston	Research - Can a government entity enter into a illegal contract. I.e. would this settlement agreement, despite requiring action explicitly disallowed in the charter be valid and enforceable.	0.4
6/25/19	Pool v. Houston	Read through pleadings, charter, all filed documents to get a holistic grasp in preparation for hearing on Monday	1.1

6/26/19	Pool v. Houston	Research—looked through legislative history of select cases. After determining language of specific orders, looked through the original language of unconstitutional statutes and how legislature responded to rulings.	2.3
6/26/19	Pool v. Houston	Drafting notice of appearance	0.5
6/26/19	Pool v. Houston	Updated Jerad on research changes and strategy discussion regarding impending city response and certain strategic decisions.	0.3
6/26/19	Pool v. Houston	Research of Houston charter to see if there is any explicit authority giving private parties the right to force the city to comply with plain language of law.	1.9
6/26/19	Pool v. Houston	Similar research, but regarding a private parties right to file a complaint/mandamus.	1.5
6/26/19	Pool v. Houston	Call with Co-counsel Paul and subsequent conversation	0.5
6/26/19	Pool v. Houston	Continued research regarding any case where mandamus was requested to invalidate a petition	1.6
6/26/19	Pool v. Houston	Reading through opposing party's briefing and discussion	0.6
6/26/19	Pool v. Houston	Looking for examples of prior Houston strikes against non-registered voter signatures	0.5
6/26/19	Pool v. Houston	Attempting to locate documents regarding Houston's prior enforcement (e.g. Woodfill).	0.4
6/27/19	Pool v. Houston	Pouring through Woodfill record	1.7
6/27/19	Pool v. Houston	Continued reading regarding Woodfill, pulling quotes for reply brief and looking at City's case citations (including a previous enforcement of the charter in a similar context).	1.5
6/27/19	Pool v. Houston	Line by line read through brief and attempt to evaluate and rebuff every claim made by D. Looking for where we can buttress our arguments	2.40
6/27/19	Pool v. Houston	Woodfill - finding more quotes and examples to show impending enforcement. Specifically Trent's depo.	1.4
6/28/19	Pool v. Houston	Research - case law in lower courts following remand by CoA on petition issues	1.3
6/28/19	Pool v. Houston	Drafting motion for leave, sending to Jerad for edits.	0.8
6/28/19	Pool v. Houston	Drafting proposed order for leave (including looking at examples).	0.4

6/29/19	Pool v. Houston	Looking for any reference of third party enforcement in the Houston Charter. Did a plain language search and read every provision mentioning petitions. Documented in research folder.	2.3
6/29/19	Pool v. Houston	Research - Additional state law that may grant third party standing or place additional restrictions on petitioning. E.g. TEC Ch. 277 and all of its progeny.	1.7
6/29/19	Pool v. Houston	Found Sherman v. Hudman, searched through its cites and progeny.	0.9
6/29/19	Pool v. Houston	Research - narrowly tailoring when there is a compelling interest. E.g. Citizens in Charge, Judd...	1.5
6/29/19	Pool v. Houston	Research - Rules for notaries. Basically looking through any source of information to determine if a notary could not sign a crossed out petition like this.	1.7
6/30/19	Pool v. Houston	Writing reply: Woodfill litigation pulling quotes regarding the city's depo with trent	2.2
6/30/19	Pool v. Houston	Writing reply: Woodfill litigation pulling quotes regarding the city's strict enforcement of the charter	2.6
6/30/19	Pool v. Houston	editing supplemental verification, emailing jerad for approval, editing and sending to trent	0.4
6/30/19	Pool v. Houston	Building table of authorities and contents (including locating pin cites).	0.7
6/30/19	Pool v. Houston	Revising, proofreading and filing reply	1.9
6/30/19	Pool v. Houston	Building curtesy copy to take to judge gilmore	0.6
6/30/19	Pool v. Houston	Meeting with Trent and Paul game planning for hearing	0.9
6/30/19	Pool v. Houston	Getting research on voluntary cessation to Paul	0.4
7/1/19	Pool v. Houston	Drive to USDC and turn in of curtesy copy	0.7
7/1/19	Pool v. Houston	Prep for hearing, included rescan of research to make sure ready for questions or can spout talking points. Concerned with voluntary cessation and third-party mandamus	2.1
7/1/19	Pool v. Houston	Hearing on TRO. Started ~30 late, continued review during wait.	1.6
7/1/19	Pool v. Houston	Lunch with Paul and client	1
7/1/19	Pool v. Houston	Call with Jerad to update on result and drive back to office.	0.6
7/1/19	Pool v. Houston	Reviewed order	0.6

7/1/19	Pool v. Houston	Back to back calls with Trent and Jerad	0.4	
7/1/19	Pool v. Houston	Taking affidavit from order and getting it to trent. Series of emails following regarding questions.	0.5	
7/2/19	Pool v. Houston	Beginning research for certificate of interested persons including FRCP 7.1, any applicable local rule, Gilmore's instructions etc.	1.2	
7/2/19	Pool v. Houston	Drafting the disclosure	0.4	
7/2/19	Pool v. Houston	Drafting email to Trent	0.3	
7/6/19	Pool v. Houston	Finished up COIP and sent to Paul for his additions (if any)	0.3	
7/8/19	Pool v. Houston	Talked with trent in the office and got the petition documents from him.	0.4	
7/9/19	Pool v. Houston	Filed COIP	0.2	
7/10/19	Pool v. Houston	Research and write up of DC courts striking law and not writing it in prep for conversation with city attorneys	0.9	
7/10/19	Pool v. Houston	Finding supporting case law for limiting releif to simply striking the offending provision. Both overarching rules and good examples	0.7	
8/3/19	Pool v. Houston	Reading Defs response	0.6	
8/8/19	Pool v. Houston	Research - reading cases relied upon D, looking for how strong their authority is and if it is even on point. Trying to distinguish	2.4	
8/8/19	Pool v. Houston	Outlining reply	1.4	
8/8/19	Pool v. Houston	Drafting reply - rebuttal portion to Ds' evading repetition	2.2	
8/8/19	Pool v. Houston	Drafting reply - whether the petition mattered	1.4	
8/8/19	Pool v. Houston	Drafting reply - past injury/nominal damages	3.1	
8/8/19	Pool v. Houston	Drafting reply - future injury chilled speech	1.8	
8/8/19	Pool v. Houston	Drafting motion for leave.	0.9	
8/8/19	Pool v. Houston	Drafting proposed order for leave	0.4	
8/8/19	Pool v. Houston	emails to opposing counsel	0.2	
8/8/19	Pool v. Houston	Drafting reply - adding in portions to each section. E.g. Zimmerman part, Villareal case cites etc.	1.9	Total before fee motion:
8/8/19	Pool v. Houston	Final read through and filing	0.4	87.10
11/8/19	Pool v. Houston	Discussion with Jerad about whether when we file the tty fee motion and what its contents need to be	0.3	
11/8/19	Pool v. Houston	outline of contents for atty fee motion	0.5	

11/8/19	Pool v. Houston	Drafting fee motion. Going through previous documents and putting together a facts summary	1.7	
11/8/19	Pool v. Houston	Going through Jerad and my hours line by line. Looking to excise any potentially duplicative work.	0.9	
11/8/19	Pool v. Houston	Drafting prevailing party case law portion of motion	2.1	
11/8/19	Pool v. Houston	Adding lodestar and compensable fees section	0.5	
11/8/19	Pool v. Houston	compiling everyone's hours	1.4	
11/8/19	Pool v. Houston	Drafting application section and calculating fees etc.	1.6	
11/8/19	Pool v. Houston	Drafting Austin's declaration	0.3	
11/8/19	Pool v. Houston	Drafting Jerad's declaration	0.3	
11/9/19	Pool v. Houston	Discussion w/ Jerad about Rossi's documents etc.	0.2	
11/9/19	Pool v. Houston	Final edits to Jerad and austin's declarations	0.4	
11/9/19	Pool v. Houston	Fixing citations to the record in motion	0.5	
11/9/19	Pool v. Houston	General editing and revision. Removing extra content; changing parentheticals; cite checking	1.8	
12/12/19	Pool v. Houston	Implementing final edits to the fee motion.	0.2	Total from fee motion:
12/12/19	Pool v. Houston	Going through final hours. Updating declarations etc.	0.6	13.3
Worked Hours:	100.40	Total Hours Requested: 68.80		
Excised Hours:	31.60			
Note: entries with strikethrough are excised hours as an exercise of billing judgment. Entries in regular type are requested.				

Hours Tracking			
Date	Matter	Description	Hours
11/12/19	Pool v. Houston	Final edits and inputting new numbers after all the above. NOT REQUESTED IN INITIAL MOTION	0.2
12/3/19	Pool v. Houston	Corrections from Najvar	0.1
12/4/2019	Pool v. Houston	Read through city's resp.	0.5
12/4/2019	Pool v. Houston	Strategy discussion with Najvar on how to reply to city	0.3
12/4/2019	Pool v. Houston	Outlining City's arguments and our rebuttals	0.4
12/4/2019	Pool v. Houston	Discussion with Najvar about research and specific cases	0.2
12/5/2019	Pool v. Houston	Research - collaterally attacking merits on attorneys' fees motion; Drafting - Starting reply and giving heading/section structure	0.9
12/5/2019	Pool v. Houston	Drafting - standing portion	0.3
12/5/2019	Pool v. Houston	Drafting - rebuttal to specific citations by City; Plaintiffs' hours are reasonable section	1.6
12/5/2019	Pool v. Houston	Drafting - Research prevailing parties standards; general standards; specifically TROs' effects etc.	1
12/6/2019	Pool v. Houston	Drafting - Beginning prevailing party section	1.2
12/6/2019	Pool v. Houston	Research and Drafting - Cooksy v. Futrell and other case law regarding credible threat, promise not to enforce, cessation; Seals v. Mcbee	1.5
12/6/2019	Pool v. Houston	Drafting - Going through exhibits looking for evidence to put into reply and strengthen our arguments	0.6
12/6/2019	Pool v. Houston	Drafting and research - Plaintiffs' are prevailing parties, judicially sanctioned relief; additional out of circuit research along the lines of Black Heritage Soc.	1.1
12/8/2019	Pool v. Houston	Drafting and research - Drearmore element two; Drearmore element three; adding in a RIA section about Black Heritage Soc.	0.9
12/9/2019	Pool v. Houston	Research - duplication of work when multiple attorneys working on the same matter	0.7
12/9/2019	Pool v. Houston	Drafting - duplicative work portion of argument; supplemental research to find supporting case.	1.2
12/9/2019	Pool v. Houston	Drafting - adding additional argument on why work was not duplicative and delegation was effective; adding discussion on chain of events and why the city did not give adequate offers	1.5
12/9/2019	Pool v. Houston	Drafting - Full read through, editing sections, citation adjustment, expounding on the applied sections.	1.3
12/9/2019	Pool v. Houston	Preparing and updating current hours request	0.2

12/9/2019	Pool v. Houston	Research - looking for case law along the lines of Davis v. Abbott to make a similar point	0.6
12/9/2019	Pool v. Houston	Drafting - going over Najvar edits and implementing	0.4
12/9/2019	Pool v. Houston	Drafting - Editing	0.2
12/9/2019	Pool v. Houston	Drafting - reworking prevailing parties section	0.4
12/9/2019	Pool v. Houston	Drafting - condensing sections that can be more punchy	0.3
12/9/2019	Pool v. Houston	Drafting - calculating additional time spent; writing updated fees portion.	0.5
New Worked:	18.1	New hours requested for fee motion:	16.29
New Excised:	10%		

DATE	ACTIVITY	HOURS	EXCISED HRS
3/4/2020	Filing Whatley attorney appearance in CA5	0.2	0.6 BJ
3/4/2020	Organizing briefs and Record Excerpts to order paper copies for CA5; place order with printer	0.3	
	Finishing getting paper copies out	0.6	
4/24/2020	Begin outline of points for reply brief	0.5	
4/24/2020	Outlining City's arguments and our rebuttals for reply	1.8	2.6 BJ
4/25/2020	Outlining reply arguments: addressing Babbit	1.1	
4/25/2020	Outlining reply arguments: sua sponte argument	0.9	
4/26/2020	Outlining reply arguments: future injunctive relief portion	2.2	
4/28/2020	Finishing outline	1.3	
4/30/2020	Drafting: shelling, heading, topic sentences, and other beginning steps	0.9	
4/30/2020	Drafting: sua sponte dismissal standard and argument that sua sponte dismissal was inappropriate for lack of ability to address the merits	1.4	
4/31/2020	Drafting: Mootness arguments; clarifying there was no "concession;" putting key capable of repetition points; drafting voluntary cessation argument	3.2	
4/31/2020	Drafting: Standing arguments; clarifying when the test applies; past enforcement in woodfill	2.6	
5/5/2020	Finishing off reply draft one; adding record cites etc.	0.7	
5/6/2020	Research: fleshing out case law regarding mootness	1.2	
5/6/2020	Drafting: "capable of repetition yet evading review" (CORYER) section (exception to mootness)	2.4	
5/6/2020	Drafting: expanding mootness argument	2	
5/6/2020	Drafting: reorganizing structure of arguments	0.8	
5/7/2020	Drafting: returning to mootness sections and clarifying key points	2.6	
5/7/2020	Drafting: continued drafting and refinement	1.5	
5/7/2020	Drafting: revise argument on nominal damages	1.2	
5/7/2020	Complete Reply draft version three	0.4	
5/8/2020	Adding citations: e.g. Gratz, Lyons; removing information regarding Equal Rights Ordinance (from Woodfill litigation) for space; clarifying petition circulation requirements	1.5	

HRS Requested

Hrs Requested

5/8/2020	Researching additional cites for credible threat and what is objectively reasonable fear of enforcement to support standing in our context (First Amendment rights and self censorship). Adding to sections in reply	2.2
5/8/2020	Going through checking/adding/fixing citations	1.3
5/8/2020	Working with Najvar to finish reply brief	0.5
	WHATLEY THROUGH REPLY BRIEF - MERITS APPEAL	35.3
5/22/2020	Reading through district court order denying atty fees for TRO phase	0.3
7/17/2020	TRO Fee appeal: Getting paper copies together; ordering	0.3
7/20/2020	TRO Fee appeal: Send paper copies of briefs to CA5	0.9
	WHATLEY TRO FEE APPEAL	1.2
9/30/2020	Emailing with Najvar about merits appeal panel selection	0.1
10/7/2020	Preperation and research for Najvar's argument	1.4
10/23/2020	Reading through merits panel opinion	0.8
	WHATLEY - MERITS APPEAL ORAL ARGUMENT	2.3
	AFTER REMAND:	
3/18/2021	Reading City's MTD and beginning thoughts on response	1.2
3/19/2021	Listening to status conference and taking notes; follow up with J. Najvar	0.5
3/19/2021	Phone call with Rossi	0.4
3/20/2021	Finishing motion for extension and filing	1.3
3/22/2021	Research: Came across case law applicable to arguments concerning Buckley's effect on Houston provision while working for another case. Stopped, read through this line of cases and added update to research document.	0.7
3/30/2021	Review and revise P. Rossi's draft of memorandum in support of amending complaint. Submit to J. Najvar for review	1.4
3/31/2021	Revising draft Second Amended Complaint	2.3
	WHATLEY - THROUGH SECOND AMD COMPL	7.8
4/6/2021	Research mootness (Voluntary cessation) - going through citations on this topic found in the MTD and older ones relied upon by houston	2.1
4/6/2021	Research voluntary cessation	1.7

- 3.2 = 32.1

0.3 BJ

- 0.3 = 0.9

0.1 BJ

- 0.1 = 2.2

0.5 BJ

0.4 BJ

1.3 BJ

- 2.2 = 5.6

4/7/2021	Research voluntary cessation in circumstances where there is no repeal of the underlying statute/law.	4.1
4/7/2021	Research: issues concerning standard of review and burdens	0.7
4/7/2021	Outlining, writing memo/thoughts down regarding conclusions on VC theory and arguments	2.3
4/8/2021	Research MTD: grabbing case law regarding specific concepts including touching up 12(b)(1) standard	3.8
4/8/2021	Continue revising portions of response to MTD	1.5
4/8/2021	Response to MTD: adding selected citations and revising paragraphs to come within page limit	1.6
4/8/2021	Finishing up MTD; last minute check for specific point in Speech First v. Fenves	0.8
4/9/2021	Planning for future briefing regarding City's MTD and Plaintiffs' motion for leave to amend complaint, while issues fresh	0.2
	WHATLEY - THROUGH RESPONSE TO MTD	18.8
4/16/2021	Atty Fee Appeal - Principal Brief	8.4
4/17/2021	Atty Fee Appeal - Principal Brief	4.5
4/19/2021	Atty Fee Appeal - Principal Brief	9.8
4/20/2021	Atty Fee Appeal - Principal Brief	8.9
4/21/2021	Atty Fee Appeal - Principal Brief	9.5
	WHATLEY - THROUGH ATTY FEE APPEAL	41.1
5/1/2021	Review City's response to mtn for leave to amend complaint; begin noting issues/thoughts for reply	1.6
5/1/2021	Reply Mtn for leave - reading our motion, response, writing beginning outline of reply	3.5
5/1/2021	Reply Mtn for leave: continued thoughts; reading background case law	1.2
5/2/2021	Reply Mtn for leave: reading through the City's cases/building outline	2.6
5/3/2021	Reply Mtn for leave: continuing case readings/building outline	3.8
5/3/2021	Reply Mtn for leave: drafting background section; research; shelling out rest of document; prejudice	2.2
5/4/2021	Reply Mtn for leave: drafting. Centered mostly around futility arguments	3.3
5/4/2021	Reply Mtn for leave: drafting. Discussion with Najvar following review; implementing suggestions	2.1

- 0.0 = 18.8

- 10.0 = 31.1

5/4/2021	Reply Mtn for leave: drafting. Returned to Houston's long string cite to reread cases and drafted better distinguishing section	3.3
5/5/2021	Reply Mtn for leave: drafting; adjusting certain citations regarding standard of leniency	0.9
5/5/2021	Reply Mtn for leave: drafting. Bouncing between sections of document tightening language, attempting to bring more clarity	2.2
5/5/2021	Reply Mtn for leave: drafting. Adjusting prejudice section, including standard and research associated with this argument; removing certain portions	4.1
5/5/2021	Reply Mtn for leave: Finishing Reply. Includes final read through; citation adjustments, reprhrasing etc.	1.1
	WHATLEY - THRU REPLY IN SUPPORT OF MTN FOR LEAVE TO AMEND COMPLAINT	31.9
5/19/2021	Reading the City's Reply and motion for extension	1.6
7/30/2021	Research and Drafting: response to unconstitutional conditions argument	3.1
7/30/2021	Research and Drafting: equal protection argument	2.5
8/11/2021	Drafting letter responding to City's letter argument re page limits	1.9
8/12/2021	Finish and file letter advisory regarding page limits	0.9
8/31/2021	Drafting discovery	1.8
12/14/2021	Research: City's specific objections to Plaintiffs' MSJ Exhibits and response	3.4
12/15/2021	Research: City's specific objections and response	4.5
12/15/2021	Drafting: argument regarding the City's objections	1.4

1/21/2022 Assisting J. Najvar with dispositive motions hearing preparation: Research - Voluntary cessation when a similar law has been declared unconstitutional; repeal by implication as in McCorvey v Hill

3.6

1/25/2022 Hearing prep

0.7

1/25/2022 Hearing and follow up with Najvar

1.5

0.7 BJ

1.5 BJ

2/22/2022	Reading through order and taking notes	1.1
	WHATLEY - THROUGH SUMMARY JUDGMENT ORDER	26.9

1.1 BJ

4.9

Mtn for Fees Exh C

Tot = 165.3

- 0.0 = 31.9

1.6 BJ

- 4.9 = 22
- 20.7 = 144.6